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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS LOCAL
525 HEALTH AND WELFARE TRUST
AND PLAN; BOARD OF TRUSTEES OF
THE PLUMBERS AND PIPEFITTERS
UNION LOCAL 525 PENSION PLAN;
AND BOARD OF TRUSTEES OF
PLUMBERS AND PIPEFITTERS LOCAL
UNION 525 APPRENTICE AND
JOURNEYMAN TRAINING TRUST FOR
SOUTHERN NEVADA,

Plaintiffs,

vs.

STRONG MAN SERVICES, INC. dba
SMS Mechanical, a Nevada corporation;
LINDA NASH, an individual;
AFFORDABLE CONCEPTS, INC., a
Nevada corporation, BENTAR
DEVELOPMENT, INC., a Nevada
corporation; B & R BUILDERS, INC. dba
Breslin Builders, a Nevada corporation;
DAKEM & ASSOCIATES, LLC, a Nevada
limited liability company; KITTRELL
JENSEN CONTRACTORS, LLC, a
Nevada limited liability company;
LAFARGO, INC. dba LaFargo Builders, a
Nevada corporation; LEDCOR
CONSTRUCTION, INC., a Washington

Case No. 2:17-cv-01784-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

FOURTH REQUEST

corporation; NORTH WIND ENVIRONMENTAL, INC., an Arkansas corporation; THE PENTA BUILDING GROUP, LLC, a Nevada limited liability company; SCI CONSTRUCTION, L.P., a Texas limited partnership; SR CONSTRUCTION, INC., a Nevada corporation; STARKE, INC. dba Starke Contractors, a Nevada corporation; UHS OF DELAWARE, INC., a Delaware corporation; NORTH RIVER INSURANCE COMPANY aka Crum & Forster, a Pennsylvania corporation,

Defendants.

Plaintiffs Boards of Trustees of the Plumbers and Pipefitters Union Local 525 Health and Welfare Trust and Plan, the Plumbers and Pipefitters Union Local 525 Pension Plan, and the Plumbers and Pipefitters Local Union 525 Apprentice and Journeyman Training Trust for Southern Nevada (collectively “Trust Funds”), by and through their counsel of record Brownstein Hyatt Farber Schreck, LLP; Defendant Affordable Concepts, Inc., (“Defendant Affordable”) by and through its counsel of record Pintar Albiston, LLP; and Defendants Linda Nash, Strong Man Services, Inc., dba SMS Mechanical, Bentar Development, Inc., Kittrell Jensen Contractors, LLC, LaFargo, Inc. dba LaFargo Builders, Ledcor Construction, Inc., North Wind Environmental, Inc., SCI Construction, L.P., SR Construction, Inc., Starke, Inc., dba Starke Contractors and UHS of Delaware, Inc. (collectively “Strong Man Defendants”) (Defendant Affordable and Strong Man Defendants collectively referred to as “Defendants”), by and through their counsel of record Fisher & Phillips, LLC, hereby stipulate and agree that the Scheduling Order (EFC No. 79) in this case be extended thirty (30) days from the current discovery deadline of September 17, 2018, to October 17, 2018, and the dispositive motion deadline be extended from October 17, 2018, to November 16, 2018. This is fourth request to extend the discovery deadline and is being made more than 21 days prior to the close of discovery.

The parties are currently reviewing the revised contract compliance review (“Audit”). As a result of the revised Audit’s findings, the parties have agreed to stipulate to dismiss two of the defendants in this action. (*See* ECF Nos. 80 and 81.) Moreover, the parties have been in almost

constant communication with each other regarding the revised Audit findings, and are currently in the process of organizing a meeting to discuss possible resolution. The parties therefore stipulate and agree, and respectfully ask the Court to permit an extension to the remaining discovery deadlines so that the parties may conclude their analyses of the revised Audit and attempt to reach a resolution without further Court intervention.

A. DISCOVERY COMPLETED:

1. 10/19/2017 Defendant Affordable's Initial Disclosures and Witnesses.
2. 10/20/2017 Trust Funds' Initial Disclosures and Witnesses.
3. 11/1/2017 Trust Funds' Revised Initial Disclosures and Witnesses.
4. 12/15/2017 Defendant Strong Man's and Defendant Linda Nash's Initial Disclosures and Witnesses.
5. 12/18/2017 Defendant Starke, Inc.'s Initial Disclosures and Witnesses.
6. 12/19/2017 Defendant North Wind Environmental, Inc.'s Initial Disclosures and Witnesses.
7. 12/19/2017 LaFargo, Inc.'s Initial Disclosures and Witnesses.
8. 12/22/2017 Trust Funds' First Supplemental Initial Disclosures.
9. 12/22/2017 Trust Funds' First Admissions to Defendant Affordable.
10. 12/22/2017 Trust Funds' First Admissions to Defendant Bentar Development, Inc.
11. 12/22/2017 Trust Funds' First Admissions to Defendant Kittrell Jensen Contractors, LLC.
12. 12/22/2017 Trust Funds' First Admissions to Defendant LaFargo, Inc.
13. 12/22/2017 Trust Funds' First Admissions to Defendant Ledcor Construction, Inc.
14. 12/22/2017 Trust Funds' First Admissions to Defendant Linda Nash.
15. 12/22/2017 Trust Funds' First Admissions to Defendant North Wind Environmental, Inc.
16. 12/22/2017 Trust Funds' First Admissions to Defendant SCI Construction L.P.
17. 12/22/2017 Trust Funds' First Admissions to Defendant SR Construction, Inc.
18. 12/22/2017 Trust Funds' First Admissions to Defendant Starke, Inc.
19. 12/22/2017 Trust Funds' First Admissions to Defendant Strong Man.
20. 12/22/2017 Trust Funds' First Admissions to Defendant UHS of Delaware, Inc.

- 1 21. 12/22/2017 Trust Funds' First Interrogatories to Affordable.
- 2 22. 12/22/2017 Trust Funds' First Interrogatories to Bentar Development, Inc.
- 3 23. 12/22/2017 Trust Funds' First Interrogatories to Defendant Kittrell Jensen
- 4 Contractors, Inc.
- 5 24. 12/22/2017 Trust Funds' First Interrogatories to Defendant LaFargo, Inc.
- 6 25. 12/22/2017 Trust Funds' First Interrogatories to Defendant Ledcor Construction,
- 7 Inc.
- 8 26. 12/22/2017 Trust Funds' First Interrogatories to Defendant Linda Nash.
- 9 27. 12/22/2017 Trust Funds' First Interrogatories to Defendant North Wind
- 10 Environmental, Inc.
- 11 28. 12/22/2017 Trust Funds' First Interrogatories to Defendant SCI Construction, L.P.
- 12 29. 12/22/2017 Trust Funds' First Interrogatories to Defendant SR Construction, Inc.
- 13 30. 12/22/2017 Trust Funds' First Interrogatories to Defendant Starke, Inc.
- 14 31. 12/22/2017 Trust Funds' First Interrogatories to Defendant Strong Man.
- 15 32. 12/22/2017 Trust Funds' First Interrogatories to Defendant UHS of Delaware, Inc.
- 16 33. 12/22/2017 Trust Funds' First Production Request to Defendant Affordable.
- 17 34. 12/22/2017 Trust Funds' First Production Request to Defendant Bentar
- 18 Development, Inc.
- 19 35. 12/22/2017 Trust Funds' First Production Request to Defendant Kittrell Jensen
- 20 Contractors, LLC.
- 21 36. 12/22/2017 Trust Funds' First Production Request to Defendant LaFargo, Inc.
- 22 37. 12/22/2017 Trust Funds' First Production Request to Defendant Ledcor
- 23 Construction, Inc.
- 24 38. 12/22/2017 Trust Funds' First Production Request to Defendant Linda Nash.
- 25 39. 12/22/2017 Trust Funds' First Production Request to Defendant North Wind
- 26 Environmental, Inc.
- 27 40. 12/22/2017 Trust Funds' First Production Request to Defendant SCI Construction,
- 28 L.P.
41. 12/22/2017 Trust Funds' First Production Request to Defendant SR Construction,
- Inc.
42. 12/22/2017 Trust Funds' First Production Request to Defendant Starke, Inc.
43. 12/22/2017 Trust Funds' First Production Request to Defendant Strong Man.

- 1 44. 12/22/2017 Trust Funds' First Production Request to Defendant UHS of Delaware,
2 Inc.
- 3 45. 1/18/2018 Defendant Bentar Development, Inc.'s Initial Disclosures and
4 Witnesses.
- 5 46. 1/18/2018 Defendant Kittrell Jensen Contractors, LLC's Initial Disclosures and
6 Witnesses.
- 7 47. 1/18/2018 Defendant Ledcor Construction, Inc.'s Initial Disclosures and
8 Witnesses.
- 9 48. 1/18/2018 Defendant SCI Construction, L.P.'s Initial Disclosures and Witnesses.
- 10 49. 1/18/2018 Defendant SR Construction, Inc.'s Initial Disclosures and Witnesses.
- 11 50. 1/18/2018 Defendant UHS of Delaware, Inc.'s Initial Disclosures and Witnesses.
- 12 51. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First
13 Request for Admissions.
- 14 52. 1/22/2018 Defendant Affordable Concepts, Inc. Responses to Trust Fund's First
15 Set of Interrogatories.
- 16 53. 1/22/2018 Defendant Affordable Concepts, Inc.'s Responses to Trust Funds' First
17 Request for Production of Documents.
- 18 54. 1/24/2018 Trust Funds' Second Second Supplemental Initial Disclosures.
- 19 55. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust
20 Funds' First Request for Admissions.
- 21 56. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Responses to Trust
22 Funds' First Request for Production of Documents.
- 23 57. 2/1/2018 Strong Man Services, Inc. dba SMS Mechanical's Answers to Trust
24 Funds' First Set of Interrogatories.
- 25 58. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Admissions.
- 26 59. 2/1/2018 Linda Nash's Responses to Trust Funds' First Request for Production of
27 Documents.
- 28 60. 2/1/2018 Linda Nash's Answers to Trust Funds' First Set of Interrogatories.
61. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for
Admissions.
62. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for
Admissions.
63. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Admissions.
64. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for
Admissions.

- 1 65. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for
- 2 Admissions.
- 3 66. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Admissions.
- 4 67. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First
- 5 Request for Admissions.
- 6 68. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First
- 7 Request for Admissions.
- 8 69. 2/27/2018 Ledcor Construction, Inc.'s Response to Trust Funds' First Request for
- 9 Production of Documents.
- 10 70. 2/27/2018 Bentar Development, Inc.'s Response to Trust Funds' First Request for
- 11 Production of Documents.
- 12 71. 2/27/2018 Stakes, Inc.'s Response to Trust Funds' First Request for Production of
- 13 Documents.
- 14 72. 2/27/2018 SR Construction, Inc.'s Response to Trust Funds' First Request for
- 15 Production of Documents.
- 16 73. 2/27/2018 SCI Construction, LP's Response to Trust Funds' First Request for
- 17 Production of Documents.
- 18 74. 2/27/2018 LaFargo, Inc.'s Response to Trust Funds' First Request for Production
- 19 of Documents.
- 20 75. 2/27/2018 North Wind Environmental, Inc.'s Response to Trust Funds' First
- 21 Request for Production of Documents.
- 22 76. 2/27/2018 Kittrell Jenson Contractors, LLC's Response to Trust Funds' First
- 23 Request for Production of Documents.
- 24 77. 2/27/2018 Ledor Construction, Inc.'s Answers to Trust Funds' First Set of
- 25 Interrogatories.
- 26 78. 2/27/2018 Bentar Development, Inc.'s Answers to Trust Funds' First Set of
- 27 Interrogatories.
- 28 79. 2/27/2018 Stakes, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
80. 2/27/2018 SCI Construction, LP's Answers to Trust Funds' First Set of
- Interrogatories.
81. 2/27/2018 LaFargo, Inc.'s Answers to Trust Funds' First Set of Interrogatories.
82. 2/27/2018 North Wind Environmental, Inc.'s Answers to Trust Funds' First Set of
- Interrogatories.
83. 2/27/2018 Kittrell Jenson Contractors, LLC's Answers to Trust Funds' First Set of
- Interrogatories.
84. 3/8/2018 Trust Funds' Third Supplemental Initial Disclosures.

85. UHS of Delaware, Inc.'s Responses to Trust Funds' First Set of Interrogatories.
86. UHS of Delaware, Inc.'s Responses to Trust Funds' First Set of Interrogatories.
87. UHS of Delaware, Inc.'s Responses to Trust Funds' First Request for Production of Documents.
88. 6/15/2018 Trust Funds' Subpoena Duces Tecum to UA Local 525 Plumbers, Pipefitters and Service Technicians
89. 6/21/2018 Trust Funds' Fourth Supplemental Initial Disclosures.
90. 7/16/2018 UA Local 525 Plumbers, Pipefitters and Service Technicians Response to Subpoena Duces Tecum

B. DISCOVERY THAT NEEDS TO BE COMPLETE:

1. Possible additional Trust Funds' Requests for Production of Documents.
2. Possible additional Trust Funds' Interrogatories and Requests for Admissions.
3. Potential written discovery requests from Defendants.
4. Depositions of all relevant witnesses.

C. REASON DISCOVERY WAS NOT COMPLETED.

The Parties are requesting this extension to allow times for the Trust Funds and Defendants to discuss certain details of the revised Audit, and ultimately in hopes of achieving a resolution without further Court intervention. In addition, there are multiple in and out-of-state depositions that need to be coordinated to accommodate the schedules of counsel. The parties would prefer to discuss resolution prior to scheduling depositions in an effort to avoid any unnecessary litigation costs.

D. CURRENT DISCOVERY SCHEDULE:

- | | |
|------------------------------|--------------------|
| 1. Discovery Cutoff | September 17, 2018 |
| 2. Dispositive Motion Cutoff | October 17, 2018 |
| 3. Pretrial Order Cutoff | November 16, 2018 |

E. PROPOSED DISCOVERY SCHEDULE:

- | | |
|----------------------------------|-------------------|
| 1. New Discovery Cutoff | October 17, 2018 |
| 2. New Dispositive Motion Cutoff | November 16, 2018 |
| 3. New Pretrial Order Cutoff | December 16, 2018 |

4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial order shall be suspended until 30 days after the Court enters a ruling on the dispositive motions, or otherwise by further order of the Court.

This is the Parties' fourth request for an extension of the discovery deadline dates. The requested extension is not made to delay this matter, but made in the hopes of facilitating a resolution or the narrowing issues at dispute in this matter. Based upon the foregoing, the Parties believe there is good cause for the requested extension.

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Dated: August 14, 2018

Dated: August 14, 2018

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Ledcor Construction, Inc.; North Wind
Environmental, Inc.; SCI Construction, L.P.; SR
Construction, Inc.; Starke, Inc., dba Starke
Contractors; UHS of Delaware, Inc.*

Dated August 14, 2018

ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE CASE NO.

2:17-cv-01784-RFB-VCF

DATED: 8-21-2018